

Message Text

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17

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FM AMEMBASSY ABU DHABI

TO SECSTATE WASHDC PRIORITY 3567

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SUBJECT : REIMBURSABLE SERVICES: U.S. CUSTOMS ADVISOR

REF: (A) STATE 265241 (B) ABU DHABI 2266

1. DCM MET WITH CUSTOMS DIRECTOR, AL-SABAH, NOV 16 FOR FURTHER DISCUSSION OF PROPOSED AGREEMENT IN LIGHT REF A. FOLLOWING IS STATUS OF VARIOUS POINTS AT ISSUE:

(A) IT AGREED THAT AGREEMENT WILL BE BETWEEN "ABU DHABI CUSTOMS DEPARTMENT (UAE)" AND U.S. CUSTOMS SERVICE WITH CHANGES MADE IN BODY OF AGREEMENT CONSISTENT THEREWITH. IN PARAS IV, V AND VI WHERE REFS MADE TO "GOVERNMENT'S" FINANCIAL RESPONSIBILITY, THIS WILL NOW SAY "GOVERNMENT OF UAE (ABU DHABI)".

(B) UAEG WOULD STILL LIKE TO HAVE ARABIC AND ENGLISH TEXTS BE CO-EQUAL. WITH CERTAIN SENSITIVITY HERE, WHERE ENGLISH HAS HAD TENDENCY DOMINATE ARABIC, IT CLEARLY HAS BETTER APPEARANCE IF TEXTS HAVE EQUAL FOOTING. HOWEVER, UAE OFFICIALS UNDERSTAND POINT ABOUT DIFFICULTY (FROM LEGAL/TECHNICAL STANDPOINT), AND IN FACT ARE PREPARED CONCEDE POINT. BUT THEY TAKE VIEW THAT THIS IS MINOR AGREEMENT AND HOPE FLEXIBILITY WILL BE POSSIBLE. WHILE PROMISING INQUIRE, DCM HELD OUT LITTLE HOPE THAT, WITHOUT TIME-CONSUMING COMPARISON OF TEXTS, WE COULD AGREE TO EQUAL STATUS. EMBASSY WOULD, HOWEVER, APPRECIATE DEFINITIVE WASHINGTON POSITION ON THIS POINT. ASSUMING ENGLISH TO BE CONTROLLING PLEASE PROVIDE LANGUAGE TO THIS EFFECT FOR INCLUSION IN AGREEMENT.

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(C) RE PARA VII, FONMIN LIST OF RIGHTS ACCORDED OTHER FOREIGN ADVISORS HAS NOT MATERIALIZED. RATHER MINISTRY HAS PROPOSED THAT FOLLOWING LANGUAGE, REPORTEDLY REFLECTING RIGHTS OFFERED TO OTHERS, BE SUBSTITUTED: QUOTE VII (A) IT IS AGREED THAT THE GOVERNMENT OF THE UAE (ABU DHABI) ASSUMES LIABILITY FOR U.S. CUSTOMS EMPLOYEES ASSIGNED TO ABU DHABI UNDER THIS AGREEMENT FOR ANY DAMAGE TO A THIRD PARTY CAUSED BY THEM WITHIN THE COURSE OF EMPLOYMENT UNLESS THIS DAMAGE CAUSED WILLFULLY. (B) THE GOVERNMENT OF THE UAE (ABU DHABI) SHALL GIVE EVERY POSSIBLE ASSISTANCE TO U.S. CUSTOMS EMPLOYEES ASSIGNED UNDER THIS AGREEMENT, ESPECIALLY AS REGARDS THE GRANTING OF VISAS AND ENTRY FACILITIES. UNQUOTE.

DCM PROPOSED AND AL-SABAH AGREED THAT THIRD PARAGRAPH BE INSERTED BETWEEN TWO PROPOSED BY MINISTRY (WITH PARAS RELETTERED ACCORDINGLY) AS FOLLOWS: QUOTE (B) IT IS AGREED THAT U.S. CUSTOMS EMPLOYEES SHALL BE EXEMPT FROM ALL CUSTOMS DUTIES ON PERSONAL EFFECTS BROUGHT INTO THE UAE. SAID EMPLOYEES WILL LIKEWISE BE EXEMPT FROM LOCAL TAXES, IF ANY. UNQUOTE. EMBASSY BELIEVES THAT ABOVE THREE PARAS, WHILE MORE CUMBERSOME THAN EITHER ORIGINAL LANGUAGE OR CHANGE PROPOSED PARA 2.B REF A, COVER ESSENTIAL POINTS AND SHOULD BE ACCEPTED. PROPOSED LANGUAGE IS IN FACT MORE PRECISE IN ITS COMMITMENTS THAN EARLIER VERSIONS. MOREOVER, IF THERE ARE OTHER SPECIFIC POINTS WHICH AID/CUSTOMS WISH INCLUDED WE BELIEVE THEY COULD BE ADDED. KEY POINT IS THAT UAE IS GENERALLY FREE OF RESTRICTIONS AND/OR OBLIGATIONS FROM WHICH ONE MIGHT WISH GAIN EXEMPTIONS--E.G. THERE ARE NO TAXES AT PRESENT. THUS ELABORATE PROTECTIONS BASICALLY UNNECESSARY. PLEASE ADVISE IF NEW LANGUAGE ACCEPTABLE.

(D) RE PARA IX, IT SHOULD IN FIRST INSTANCE BE NUMBERED VIII SINCE THERE IS CURRENTLY NO PARA VIII IN AGREEMENT. SECOND WE PROPOSE FIRST LINE READ "...SHALL BE EFFECTIVE UPON THE DATE SIGNED BY ABU DHABI CUSTOMS..." AL-SABAH IS AGREEABLE TO THIS CHANGE IF IT WILL FACILITATE MURPHY'S EARLY ARRIVAL.

2. RE HOUSING, CUSTOMS DEPT HAS SHOWN US VILLA WHICH THEY PROPOSING OFFER TO MURPHYS. RATHER THAN GIVE APPROVAL ON HIS BEHALF, EMBASSY WOULD APPRECIATE MURPHY'S VIEWS ON HOW LIMITED OFFICIAL USE

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HE WISHES PROCEED. VILLA IN QUESTION IS THREE BEDROOM, SINGLE STORY HOUSE WITH TWO AND HALF BATHS. FRANKLY, IT IS SMALL, PARTICULARLY WITH FOUR TEENAGERS IN MIND, AND IT IS LESS HOUSE THAN ANY OF THOSE CURRENTLY OCCUPIED BY EMBASSY OFFICERS. ONE MUST QUICKLY ADD, HOWEVER, THAT HOUSING IS VERY TIGHT HERE AND FEW FIND HOUSES WHICH FULLY SATISFY NEEDS OR TASTES. MOREOVER, IF THIS HOUSE ACCEPTED, CUSTOMS DEPT PREPARED PROCEED WITH FURNISHINGS WITH

OBJECTIVE HAVING IT READY FOR MURPHYS ON ARRIVAL. ALTERNA-
TIVE IS FOR MURPHY TO START IN HOTEL AND MAKE OWN CHOICE.
AL-SABAH SAID CUSTOMS DEPT PREPARED TAKE ALMOST ANY HOUSE
(ALTHOUGH AT SOME POINT PRICE WILL UNDOUBTEDLY ENTER
SITUATION) WHICH WAS ACCEPTABLE. SEARCH--PLUS SUBSEQUENT
FURNISHING--COULD BE TIME-CONSUMING PROCESS, HOWEVER, AND
AL-SABAH EXPRESSED RESERVATIONS ABOUT PUTTING ENTIRE
FAMILY IN HOTEL FOR EXTENDED PERIOD. EMBASSY REALIZES
ABOVE PRESENTS DIFFICULT CHOICE. IF MURPHY WISHES RESERVE
DECISION, WE WILL INITIATE OUR OWN INQUIRES NOW RE
AVAILABLE HOUSING THAT MIGHT BE BETTER FOR HIM AND STILL
ACCEPTABLE TO CUSTOMS DEPT. WE MUST REITERATE, HOWEVER,
THAT WE CANNOT PROMISE SUCCESS AND WOULD IN ANY CASE BE
RELUCTANT MAKE FINAL DECISION ON MURPHY'S BEHALF.
PLEASE ADVISE.
STERNER

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